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September 3, 2020

VIA EMAIL ONLY: dsupham58@gmail.com

Donald Scott Upham
3906 SW Altadena Ave
Portland, OR 97239

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0087-20

Dear Mr. Upham:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received Aug 27, 2020, asserts that the Oregon State Police (OSP) has not fulfilled its obligation to respond to an Aug 8, 2020 records request. You therefore ask the Attorney General to review OSP's denial. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and agencies are obligated to respond to records requests "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5); *see also* ORS 192.324(2). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines or other provisions contained in ORS 192.329. ORS 192.407(1). An agency's failure to provide a timely response required by ORS 192.329 shall be treated as a denial of the request, unless the agency can demonstrate that compliance was not required under ORS 192.329. ORS 192.407(1)(a). The agency carries the burden to sustain its actions. ORS 192.411(1).

In response to your petition, we contacted Laura Heathcock, OSP Central Records Section Administrative Specialist. She explained that OSP replied to your records request on

Aug 21, 2020 and informed you that OSP anticipated completing its response within fifteen business days from the date of its letter.

After reviewing OSP's Aug 21, 2020 reply, we find that OSP responded to your request within the prescribed period and provided you with a reasonable estimated date by which OSP expects to complete its response. *See* ORS 192.329(5)(b). Under the circumstances, we have no reason conclude that OSP's response was untimely for purposes of treating it as a denial of your request under ORS 192.407(1)(a). We must therefore respectfully deny your petition.

Sincerely,



Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM10421387
c via email only: Laura Heathcock (OSP)